

**IN THE UNITED STATES DISTRICT COURT
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

Fleetone Factoring, LLC,)	
)	Case No. 3:12-cv-1079
Plaintiff,)	
)	Judge Trauger
v.)	
)	
International Air Cargo, LLC, et al.,)	
)	
Defendants)	

DENIAL OF DEFAULT

Pending is Plaintiff's Request for Entry of Default against Defendant Giorgio Petrucci (Docket Entry No. 13). It appears as if Defendant Petrucci has been served and has failed to answer within the time period required by law. However, Plaintiff has not provided an affidavit of military service as is required by the Servicemembers Civil Relief Act of 2003 (50 App. U.S.C. 501 et seq.). The Act requires that affidavits be submitted that "state whether or not the Defendant is in military service and **showing facts necessary to support the affidavit**" (emphasis added). Information on the military status of an individual can be obtained at the Department of Defense website at <https://www.dmdc.osd.mil/appj/scra/>. That website provides an on-line search utility (SSN required) as well as a help button link that provides information on where requests for information can be sent (no SSN required) to determine whether a particular individual is on active duty in the military. Alternatively, a sworn statement or declaration from the Defendant or someone in a position to know

the military status of the individual could be accepted. If Plaintiff knows that Defendant is serving in another position at the time default is sought, that fact will be considered. Other factors, such as the age of Defendant if beyond the age for service can be considered.

Plaintiff may renew its request when it has provided an affidavit of military service as noted above.

s/ Keith Throckmorton

Keith Throckmorton
Clerk of Court